

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL S. MATHEWS and
AMANDA S. MATHEWS, Individually
and on Behalf of Their Minor Children,
C.M. and H.B.M.
Plaintiffs

vs.

JEREMY B. BAKER and AARON'S
INC.
Defendants

* CIVIL ACTION NO.: 9:15-cv-96

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* JUDGE:

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* MAGISTRATE JUDGE:

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PLAINTIFFS' ORIGINAL COMPLAINT

The Complaint of Plaintiffs herein, Michael S. Mathews and Amanda S. Mathews, individually and on behalf of their minor children, C.M. and H.B.M. ("Plaintiffs"), residents of the State of Louisiana, alleges and avers as follows:

I.

PARTIES

1. At all pertinent times hereto including on the date of the collision complained of herein, June 14, 2013, Plaintiff, Michael S. Mathews, was/is an individual domiciled in Grand Cane, DeSoto Parish, Louisiana.

2. At all pertinent times hereto including on the date of the collision complained of herein, June 14, 2013, Plaintiff, Amanda S. Mathews, was/is an individual residing in Grand Cane, DeSoto Parish, Louisiana.

3. At all pertinent times hereto including on the date of the collision complained of herein, June 14, 2013, Plaintiff, C.M., was/is an individual domiciled in Grand Cane, DeSoto Parish, Louisiana.

4. At all pertinent times hereto including on the date of the collision complained of herein, June 14, 2013, Plaintiff, H.B.M., was/is an individual domiciled in Grand Cane, DeSoto Parish, Louisiana.

II.

5. Defendant, Jeremy B. Baker (“Defendant”), is an individual domiciled in the State of Texas and residing at 1613 Alamo Dr., Grandbury, Texas 76048 in Hood County, Texas, and can be served with process at the following address: 1613 Alamo Dr., Grandbury, Texas 76048 in Hood County, Texas.

6. Aaron’s, Inc., is a foreign corporation authorized to do and doing business in the State of Texas, organized pursuant to the laws of the State of Georgia, with its principal place of business at 309 E. Paces Ferry Rd., NE, Atlanta, GA 30305, and can be served with process at the following address: 309 E. Paces Ferry Rd., NE, Atlanta, GA 30305.

III.

JURISDICTION AND VENUE

7. This Court has jurisdiction over the lawsuit under 28 U.S.C. §1332 because the Plaintiffs and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.00, excluding interest and costs. Venue is proper in this

District and Division under 28 U.S.C. §1391(b)(2) as the collision in which the injuries are based occurred in this District and Division.

IV.

FACTS

8. Plaintiffs' claims are based on a vehicular collision occurring on or about June 14, 2013, at approximately 2:47 pm. Plaintiffs were traveling westbound on US Highway 84, in Shelby County, Texas, approximately one-half (1/2) mile east of the intersection of FM 699 and were in the outside lane. Defendant, Jeremy B. Baker, an employee of Defendant, Aaron's Inc., who was at all times acting within the course and scope of his employment with Aaron's, Inc., was also traveling westbound in front of Plaintiffs on the shoulder of the road, and began entering into the outside lane preparing to execute a U-turn. Defendant turned when unsafe and crashed into the passenger side of Plaintiffs' vehicle. Plaintiff, Michael S. Mathews, who was the driver of all other Plaintiffs in his vehicle, was observing all traffic laws and was being a careful and prudent driver during all times relevant herein. Defendant failed to be attentive, failed to keep a property lookout and collided with Plaintiff's vehicle. The collision was proximately caused by the negligence, negligence per se and gross negligence of Defendants, Jeremy B. Baker and Aaron's, Inc. As a result of Defendants' negligence, Plaintiffs have suffered bodily injuries and other damages.

V.

CAUSES OF ACTION

Negligence

9. Defendant, Jeremy B. Baker, was negligent in one or more of the following particulars:

- a. In failing to keep such a lookout as a person of ordinary prudence would have kept under the same or similar circumstances;
- b. In failing to turn when safe to avoid the collision in question;
- c. In failing to maintain his vehicle under control;
- d. In failing to take proper evasive action;
- e. Failure to maintain control of his vehicle;
- f. Failure to warn;
- g. Driving in an inattentive or distracted state;
- h. Driving his vehicle in a dangerous, wanton and reckless manner;
- i. Failure to observe Plaintiffs' vehicle;
- j. Failure to use caution and avoid hitting Plaintiffs' vehicle;
- k. Failure to act as a reasonable or prudent driver would have acted under similar circumstances;
- l. Failure to observe the laws of the State of Texas; and
- m. Any other acts of negligence which may be shown at the trial of this case on the merits or which may become facts in pleadings or proceedings.

Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence, which proximately caused the above-referenced occurrence and Plaintiffs' injuries and damages.

10. Defendant, Aaron's, Inc., was negligent in one or more of the following particulars:

- a. Negligent entrustment of its vehicle to Jeremy B. Baker;
- b. Negligent hiring of Jeremy B. Baker; and
- c. Any other acts of negligence which may be shown at the trial of this case on the merits or which may become facts in pleadings or proceedings.

11. That at all times relevant herein, Defendant, Jeremy B. Baker, was in the course and scope of his employment with Aaron's, Inc., and operating a vehicle owned by Defendant, Aaron's, Inc.

VI.

PERSONAL INJURIES AND DAMAGES

12. As a result of Defendant, Jeremy B. Baker's, actions, Plaintiffs have suffered severe bodily, economic and mental injuries. Consequently, Plaintiffs seek the following damages:

- a. Medical Expenses: Plaintiffs have incurred bodily injuries and past and future medical expenses in connection with said injuries.
- b. Lost Wages: Plaintiff, Michael S. Mathews, has lost wages, past and future.

- c. Physical Pain: Plaintiffs have endured physical pain in the past and will endure pain in the future.
- d. Mental Anguish: Plaintiffs have endured mental anguish in the past and will endure mental anguish in the future.
- e. Disfigurement: Plaintiff, Hayden B. Mathews, has sustained permanent scarring.
- f. Impairment: Plaintiffs have endured physical impairment in the past.
- g. In all reasonable probability, Plaintiffs will continue to suffer from these injuries for the rest of their lives and seek compensation for such future damages.

VII.

RELIEF SOUGHT

13. Plaintiffs request that Defendants, Jeremy B. Baker and Aaron's, Inc., be cited to appear and answer and that this case be tried after which Plaintiffs recover:

- a. Judgment against Defendants for a sum within the jurisdictional limits of this Court for the damages indicated above;
- b. Pre-judgment interest at the maximum amount allowed by law;
- c. Post-judgment interest at the maximum rate allowed by law;
- d. Costs of suit; and
- e. Such other and further relief to which Plaintiffs may be justly entitled.

Respectfully submitted,

By: /s/ Patrick R. Jackson
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